

Lowell N. Hawkes (ISB #1852)
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CLERK OF DISTRICT COURT
DISTRICT OF IDAHO
POCATELLO, IDAHO

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO
THE HONORABLE JIM D. PAPPAS**

In Re:

JOHN L. MERZLOCK,

Debtor.

Case No. 03-41775 JDP

**OBJECTION OF
DAREN KUHN TO
FIRST AMENDED CHAPTER
13 PLAN OF DEBTOR**

DAREN KUHN, a judgment creditor, through the undersigned counsel objects to the proposed and captioned "First Amended Chapter 13 Plan" of the Debtor (denominated by footer as "Second Amended Chapter 13 Plan" on the following grounds:

1. **CCB Objections Incorporated.** This Judgment Creditor adopts by reference, all of the objections and reasons set forth in the "Objections Of Citizens Community Bank To Confirmation Of Debtor's Second Amended Chapter 13 Plan And Related Motions" dated November 21, 2003.

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2. **Trustee's Objections Incorporated.** This Judgment Creditor adopts by reference, all of the objections and reasons set forth in the "Objections To Confirmation" enumerated by the Trustee in his Findings and Recommendations dated October 15, 2003 and filed October 16, 2003.

3. **No Material Differences in Amended Plan.** The "First Amended Plan" does *not* present any material differences nor remedy the deficiencies in the prior rejected and dismissed Plan.

4. **Not A Plan.** The Plan does not in fact set forth any good faith "Plan" to pay creditors; no actual "Plan" can be ascertained by the filing.

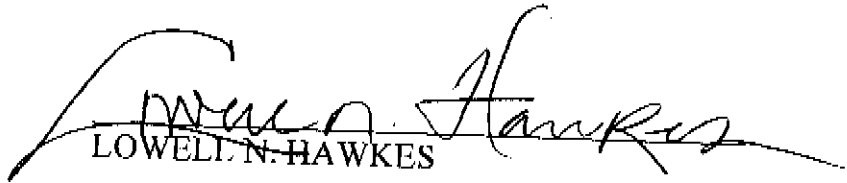
5. **Underfunded.** The proposed Plan is underfunded and does not include all known creditors and in fact does not set forth any Plan demonstrating that creditors will be paid as required by law.

6. **Available Assets Being Withheld.** The proposed Plan does not make available to known creditors all available assets and, contrary to law, specifically recites the withholding of assets.

7. **Contingent and Incomplete.** The proposed Plan is contingent and incomplete and offers no evidence of insurance or bonding to cover current liabilities and judgments.

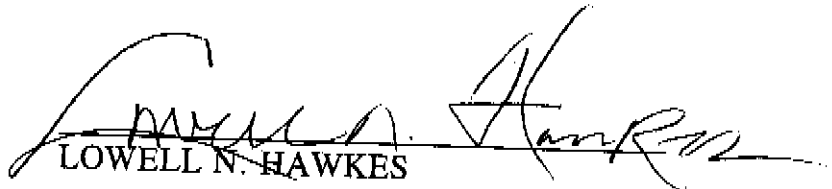
8. **Lacks Full Known Debt Disclosure.** The proposed Plan is insufficient to pay all debts and is insufficient to pay tax liabilities which are not even set forth.

DATED this 21st day of November, 2003.


LOWELL N. HAWKES

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2003 I served a copy of the foregoing upon David E. Rayborn (Attorney for Debtor), P.O. Box 1, Pocatello, ID 83204 (by first class mailing); Norman C. Reece, Jr. (Attorney for Scheis), 151 North 3rd Avenue, Pocatello, ID 83201 (by fax to 233-4895); L.D. Fitzgerald (Trustee), P.O. Box 6199, Pocatello, ID 83205 (via fax to 233-1339); Office of the U.S. Trustee, 304 North 8th Street, Suite 347, Boise, ID 83702 (via fax to 208-334-9756); and Craig W. Christensen (Attorney for Citizens Community Bank), P.O. Box 130, Pocatello, ID 83204-0130 (via fax to 234-9357).


LOWELL N. HAWKES